



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,403	06/13/2001	David A. Bottom	PW 028 0175 P11670	7128

7590 08/13/2004

Ted A. Crawford  
c/o BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025

EXAMINER
----------

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
----------	--------------

2111

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/880,403	Applicant(s) BOTTOM, DAVID A.	
	Examiner Khanh Dang	Art Unit 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/14/2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-13, 15-20, 22- 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al.

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

As broadly drafted these claims do not define any structure that differs from Jackson et al. With regard to claim 1, Jackson et al. discloses a modular server system, comprising: a midplane (320, for example) having a system management bus and a plurality of blade interfaces (located on the front and rear of midplane 320) on the midplane (320), wherein the blade interfaces are in electrical communication with each other; a server blade (132, for example) inserted into one of the plurality of blade interfaces on the midplane (320), the server blade (132) having a server blade system management bus in electrical communication with the system management bus of the midplane (320), and a

Art Unit: 2111

network interface to connect to a network; and a media blade (either the "second type" and "third type" of server blade 132 or any I/O device connected to the rear interface of midplane 320 via interface card 134) inserted into one of the plurality of blade interfaces on the midplane (320), the media blade having at least one media device. With regard to claim 2, the system of Jackson et al. further includes a power supply module (a hot swappable power supply operatively connected to the connections for power on the through plane 130/midplane 320). With regard to claim 3, see at least Fig. 5. With regard to claim 4, at least the interface card 134 (for managing at least one input/output (I/O) communication channel for communication switches (e.g., FC switches, ATM switches, or Ethernet switches) is readable as a so-called "switch blade." With regard to claim 29, it is clear that the server system of Jackson et al. includes a hard disk drive. With regard to claim 7, it is clear that the server system of Jackson et al. includes a chassis (shown generally at least Fig. 1) to house the midplane, the server blade, and the media blade. With regard to claim 8, it is clear that the server blade and the media blade of Jackson et al. are adapted to be hot swapped. With regard to claim 9, it is clear from Jackson et al. that the server blade (see above discussion) and the media blade (see above discussion) in combination form an individual server system. With regard to claim 10, it is clear that the motherboard 200 on blade 132 must include an "Ethernet connector jack" to set up a network connection. With regard to claim 11, it is clear from Jackson et al. that at least either the "second type" or "third type" of blade 132 or an I/O device connected to the rear interface of midplane 320 via interface card 134 can be selected from

Art Unit: 2111

the group consisting of a storage medium device, a graphics processing device, an audio processing device, and a streaming media processing device. With regard to claims 12, 13, and 15-18, see above discussion. With regard to claim 19, 20, and 22-28, see above discussion. Note also that in Jackson et al., a plurality of different server blades (first, second, and third types) and a plurality of different media blades (cards 134 connected to a plurality of different media).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. in view of the following.

Jackson et al., as discussed above, discloses the claimed invention including the use of midplane ATX form factor with PCI electrical specification. However, Jackson does not disclose that "the midplane is a CompactPCI form factor." It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a midplane having CompactPCI form factor in Jackson et al., since the Examiner takes Official Notice that CompactPCI or cPCI board/form factor (a combination of modular Eurocard form factor, popularized by the 3U or 6U VME bus, and the desktop PCI electrical specification) is old and

Art Unit: 2111

well-known in the art; and selecting a form factor among known form factors involves only ordinary skill in the art and is clearly a matter of design choice. Further, selecting a CompactPCI form factor would provide a rugged structural construction to the server system of Jackson et al., since cPCI is known for its sturdy build. If the Applicants choose to properly challenge the fact that CompactPCI is old and well-known, supportive document(s) will be provided upon request.

### ***Response to Arguments***

Applicants' arguments filed 5/14/2004 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any

Art Unit: 2111

limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

**The Jackson et al. 102 Rejection:**

With regard to claims 1, 12, and 19 with dependent claims 2-4, 7-11, 13-18, 20, and 22-29 stand or fall together, Applicant argued that "the midplane sub-frame (320) discloses a structure with apertures to provide mechanical support to include the support and connection of fan trays and does not disclose a midplane having a system management bus." Contrary to Applicant's argument, in Jackson et al., the midplane (320) not only supports the fan trays but also support a system management bus. It is clear, at least from Figs. 15 and 16 of Jackson et al., that when the through plane (130) is attached to the midplane (320) a system management bus is established and supported by the midplane (320). See at least column 11, line 48 to column 12, line 44.

**The Jackson et al. 103 Rejection:**

Applicant did not separately argued against the 103 Rejections.

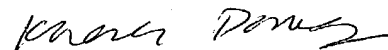
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

Art Unit: 2111

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.



Khanh Dang  
Primary Examiner